



## Department of Procurement Services

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160 South Hollywood Street · Room 126 · Memphis, TN 38112 · (901) 416-5376

### QUESTIONS AND ANSWERS

#### **IFB 12072022LB MT PISGAH NEW AUDITORIUM**

1. I realize the ESSER Funds run out in June of 2024. What happens when June 2024 gets here and we are 80% complete with Pisgah?? Are the funds cut off or do projects under contracts continue to be funded until completed. No way this Project will be done ...Designed and Built by 6/2024 in our opinion. We are just trying to figure out if we need to add Liquidated Damages or 20% \$\$\$ to finish the Project. Let me know what you think the rules are regarding these ESSER Funds.

The ESSER funds cannot be drawn beyond the deadline. The project must be completed and all payments expensed Padding the project by an additional 20% would be unethical in nature and would require additional justification that doesn't exist.

2. To be considered a safe room, the structure or a portion of, must be designed and constructed to the guidelines specified in FEMA P-361. This being the case the space would need to be reinforced and have dedicated systems protected in the event of a disaster. Since it is the intent of the District to include a portion of the building to be designated a safe room under the above referenced standards, what is the District's intended occupant load for this room? For instance, if the load is 50, this would pose significantly less cost to the contractor than if the load were 500. Please advise.

The amendment removed the original alternates, including the request for a safe building. Please design building to meet current codes.

3. Can the alternates be replaced as allowances, as several of these items can not have true values assigned until much later in the design process.

The alternates would have to be bid as is and not as allowances. Please be governed accordingly.

4. Alternates #8 and #9 instruct bidders to contact Mr. Burgess for further information. I have just spoken with him and was informed there is currently an outstanding MSCS bid for switches and equipment, and until that contract is awarded, he can not confirm which product we are to use. Please advise the value you would like for us to use here.

Please contact Mr. Burgess after 11/30/22 as he will have appropriate answers at that time.

5. During the pre-bid it was stated the overall contract timeline from issuance of a PO to substantial completion was +/- 13 months. Please note this is an unachievable timeline for this project and needs to be greatly extended. Should MSCS refuse to extend this deadline, please specify the delay damages which will be assessed to the awarded vendor.

The liquidated damages amount has been set at \$1,000.00 per day beyond substantial completion.

6. Due to the extensive amount of work Designers and their Consultants have to perform prior to contractors being able to put numbers together for this bid, the Bid Date needs to be extended. Please extend the bid date 4 weeks.  
**The bid date cannot be adjusted. Typical solicitation is 21 days, whereas this solicitation is 37+/- days.**
7. What is the budget for this project?  
**That information cannot be disclosed.**
8. Should all the responses exceed the allocated budget, please advise if the apparent low bidder will negotiate and value engineer the project into budget for MSCS, or will MSCS simply rebid the entire project.  
**MSCS reserves the right to review and determine the course of action at the appropriate time.**

Thank you,

Procurement Services